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2684



Docket No.: HI-0012

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of

Customer No.: 34610

Hong Joo KIM

Confirmation No.: 4074

Serial No.: 09/639,120

Group Art Unit: 4074

2684

Filed: August 16, 2000

Examiner: E. Orgad

For: BELT CLIP DEVICE FOR MOBILE COMMUNICATION TERMINAL UNIT

REQUEST FOR RECONSIDERATION

U.S. Patent and Trademark Office
220 20th St. S.
Customer Window, **Mail Stop Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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Sir:

Claims 1-27 are pending.

The Examiner is thanked for the indication that claims 22-27 are allowed and that claims 8-10 and 19-21 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, for the reasons set forth below, dependent claims 8-10 and 19-21 have not been rewritten in independent form at this time.

The Office Action rejected claims 1-7 and 11-18 under 35 U.S.C. §103(a) as being unpatentable over Dong-Joo, U.S. Patent No. 5,850,954, in view of Soren et al. (hereinafter "Soren"), U.S. Patent No. 5,426,825. The rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, connecting means for rotatably connecting the clamp to the terminal unit holder such that the terminal unit holder is rotatable in a plane

extending substantially perpendicular to a front surface of the clamp. Independent claim 11 recites, *inter alia*, a connecting device configured to rotatably connect the clamp to the terminal unit holder such that the terminal unit holder is rotatable in a plane extending substantially perpendicular to a front surface of the clamp. Dong-Joo does not disclose or suggest such features.

Rather, as shown, for example, in Figure 4B of Dong-Joo, Dong-Joo discloses a holder 1, including a clip 7 and base panel 6 joined together by a pin 9, and a cover 2. The clip 7 is configured to be clipped on a user's belt. A U-shaped slit 4 on the cover 2 of holder 1 is configured to receive a holding button 18 attached to a fixing plate 25 configured to be attached a cellular phone case. A snap bolt 11 holds the button 18 in the slit 4. The holding button 18 connection to the cover 2 allows the fixing plate 25, and thus a cellular phone case attached thereto to be rotated around the button 18 in a plane parallel to a front surface of the holder 1. Thus, as admitted by the examiner, Dong-Joo does not disclose or suggest connecting means for rotatably connecting the clamp to the terminal unit holder such that the terminal unit holder is rotatable in a plane extending substantially perpendicular to a front surface of the clamp, as recited in independent claim 1, or a connecting device configured to rotatably connect the clamp to the terminal unit holder such that the terminal unit holder is rotatable in a plane extending substantially perpendicular to a front surface of the clamp, as recited in independent claim 11.

The Examiner then applies Soren which allegedly discloses "a device for flexibly attaching a terminal unit where the terminal unit is rotatable in a plane extending substantially

perpendicular to a front surface of the clamp (figure 3, clamp 102, swivel means 104 & hinge 108, see also col. 2, lines 41-54, col. 3, lines 11-24 and col. 4, lines 9-15).” The Examiner then concludes that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Soren’s terminal unit with rotatable means that allow the terminal unit to be substantially perpendicular to [] a front surface of a clamp with Dong-Joo’s holder’s assembly in order to provide the user great flexibility of usage of the terminal without removing the terminal from the user’s belt.”

However, it is respectfully submitted that it would not have been obvious to modify Dong-Joo’s holder assembly in view of the teachings of Soren, because such modifications would destroy Dong-Joo’s holder assembly for its intended use. As set forth above, rotatability of fixing plate 25 which is configured to be attached to a cellular phone case is provided by the holder button 18, which is attached to the fixing plate 25 and which is received and held in slot 4 by snap bolt 11. That is, the holder button 18 connection to the cover 2 allows the fixing plate 25 and thus the cellular phone case attached thereto to be rotated around the button 18 in a plane parallel to the front surface of the holder 1. Modifying Dong-Joo’s assembly in view of Soren would destroy it for its intended use and would change the rotatability of the cellular phone case with respect to the base plate 6 and clip 7, as well as prevent the cellular phone case from being easily removed from the holder 1.

Accordingly, the rejection of independent claims 1 and 11 over the Dong-Joo-Soren combination should be withdrawn. Dependent claims 2-6 and 12-18, as well as previously

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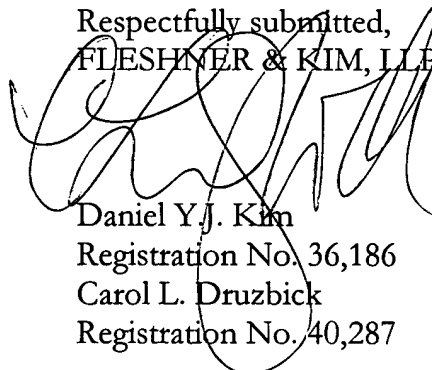
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indicated allowable dependent claims 8-10 and 19-21, are allowable at least for the reasons discussed above with respect to independent claims 1 and 11, from which they respectively depend, as well as for their added features.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Carol L. Druzbeck**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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